

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEE RUFFIN,

Plaintiff,

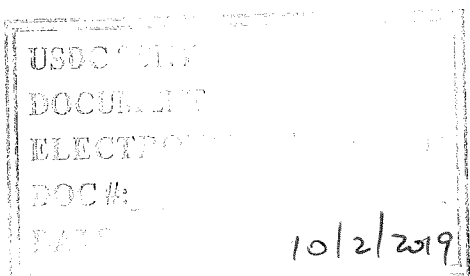
-against-

DONNA TRAVERS-MARSH, "JANE DOE" FURMAN,  
TAMMI CHABOTY, LYNN LILLEY, IN THEIR  
OFFICIAL CAPACITIES AND INDIVIDUALLY,  
Defendants.

17-CV-02564 (NSR)  
OPINION & ORDER

NELSON S. ROMÁN, United States District Judge

By Opinion and Order dated July 10, 2018 (the "Opinion"), the Court granted Defendants' motion to the extent of dismissing, with prejudice, all claims asserted against the Defendants in their official capacity, and dismissing, without prejudice, Plaintiff's First Amendment free exercise claim, Fourteenth Amendment due process claim, and Eighth Amendment cruel and unusual punishment claims. The Court granted Plaintiff leave to replead his First Amendment, Fourteenth Amendment, and Eighth Amendment claims provided Plaintiff filed an amended complaint on or before August 9, 2018. The Court further advised that Plaintiff's failure to timely file an amended complaint will result in the dismissal of his claims. More than twelve months have passed since the Court issued its Opinion and Plaintiff's time to file an amended complaint has lapsed. In light of Plaintiff's failure to timely file an amended complaint and affirmatively prosecute his claims, the Court dismisses the First Amendment, Fourteenth Amendment, and Eighth Amendment claims with prejudice.



### **Conclusion**

For the foregoing reasons, Plaintiff's Complaint is Dismissed with prejudice. The clerk of Court is respectfully requested to terminate the action, mail a copy of this Opinion and Order to Plaintiff, and file proof of service on the docket.

Dated: October 2, 2019  
White Plains, New York

SO ORDERED:



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NELSON S. ROMÁN  
United States District Judge